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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,041	05/14/2001	Jose Manuel Alguera Gallego	FMW-EE-PCT-U	6842
28862	7590	12/31/2003	EXAMINER	
HUDAK, SHUNK & FARINE, CO., L.P.A. 2020 FRONT STREET SUITE 307 CUYAHOGA FALLS, OH 44221			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/786,041

Applicant(s)

ALGUERA GALLEG0 ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, and 13 is/are rejected.
- 7) ☒ Claim(s) 2, 8-12 and 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the fourth office action for U.S. Application 09/786,041 for a Supporting Device filed by Jose Manuel Alguera Gallego et al. on May 14, 2001.

#### ***Allowable Subject Matter***

Claim 2, 8-12, and 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Advisory incorrectly indicated the status of claims 1, 3-7, and 13 as allowable, but because the amendment filed September 22, 2003 was not entered, the status remains that claims 1, 3-7, and 13 are rejected as indicated in the Final Rejection mailed on July 16, 2003.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a supporting device for semi-trailers with an outer sleeve, a spindle for a telescopic inner sleeve, and a foot receiving device for attaching a support foot, whereby the foot receiving device is connected to a bottom end of the inner sleeve and comprises component that occludes the inner sleeve, an opening for the spindle penetration, and an opening for the spindle penetration, and whereby at least one bracing element at a top or bottom end, and two opposing bearing points adapted to accommodate the support foot, and wherein the bracing element is arranged within the sleeve; a circumferential bearing rib engages the inner sleeve in a forced fit, is arranged on the top of the plate, and forms a bottom part that constitutes a cover at the bottom of the circumferential rib; or the component comprises a vertically

arranged tube whose outside diameter is less than or equal to the inside diameter of the inner sleeve in at least one section.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,462,612 to Dreyer et al. Dreyer et al. discloses a supporting device for semi-trailers with an outer sleeve (1), a spindle (4) for receiving a telescopic inner sleeve (2), and a foot receiving device for attaching a support foot (10) connected to the bottom of the inner sleeve. The foot receiving device includes a component that occludes the inner sleeve (11, 12, and 14) with an opening for the spindle, a bracing element (15 and part between) at its bottom end and located around an opening, and two opposing bearing points (points where 12 and 10 meet) adapted to accommodate the support foot. The bracing element extends between the bearing points and includes ribs with a curved shape. The component has a plate (or cover 11) and there is a section of the plate located outside of the bracing rib.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.



Steven M. Marsh

December 12, 2003



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER